(B) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''3.9 cents'', and

(C) in subparagraph (B), by striking all after ''2022'' and inserting '', zero cents per gallon.''.

(6) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon'' and inserting ''zero cents per gallon''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the applicable date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date that is 6 months after the applicable date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the applicable date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date that is 3 months after the applicable date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE DATE.—The term ''applicable date'' means the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(B) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), the amendments made by this section shall apply to fuel removed on or after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by paragraphs (1), (2), (3), (4), and (5) of subsection (b) shall apply to fuel sold or used after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 312. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2023'' each place it appears and inserting ''2028'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2022'' each place it appears and inserting ''October 1, 2027'',

(2) by striking ''March 31, 2023'' each place it appears and inserting ''March 31, 2027'', and

(3) by striking ''January 1, 2023'' and inserting ''January 1, 2028''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2023'' and inserting ''October 1, 2028''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2022'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2027'',

(ii) by striking ''OCTOBER 1, 2022'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2027'',

(iii) by striking ''September 30, 2022'' in paragraph (2) and inserting ''September 30, 2027'', and

(iv) by striking ''July 1, 2023'' in paragraph (2) and inserting ''July 1, 2027'', and

(B) in subsection (c)(2), by striking ''July 1, 2023'' and inserting ''July 1, 2028''.

(2) SMALL-ENGINE FUEL TAX TRANSFERS.—Paragraph (4)(A) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(f) TERMINATION OF MOTORBOAT FUEL TAX TRANSFERS.—

(1) IN GENERAL.—Paragraph (3)(A)(i) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(A) by striking ''October 1, 2023'' each place it appears and inserting ''October 1, 2022''; and

(B) by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

SA 2255. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Empowerment Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) the objective described in paragraph (1) has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the perceptions of the Federal Government on what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a new policy blueprint to govern the Federal role in transportation once existing and prior financial obligations are met;

(2) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(3) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(4) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(5) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(6) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

TITLE I—HIGHWAY FUNDING

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, and the national highway freight program under section 167 of that title $18,450,000,000 for each of fiscal years 2022 through 2026.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of title 23, United States Code, $100,000,000 for each of fiscal years 2022 through 2026.

(C) FEDERAL LANDS PROGRAMS.—

(i) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, $300,000,000 for each of fiscal years 2022 through 2026, of which—

(I) $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service; and

(II) $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(ii) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, $250,000,000 for each of fiscal years 2022 through 2026.

(b) FUNDING FOR HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund to carry out section 503(b) of title 23, United States Code, $115,000,000 for each of fiscal years 2022 through 2026.

(2) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act); and

(B) remain available until expended and not be transferable.

SEC. 102. FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.

Notwithstanding any other provision of law, beginning on October 1, 2021—

(1) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(2) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(3)(A) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(B) after completion of a reimbursement described in subparagraph (A), a highway construction or improvement project described in that subparagraph shall no longer be considered to be a Federal highway construction or improvement project.

SEC. 103. REPORTING REQUIREMENTS.

No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2021, to the use of Federal funds for highway projects by a public-private partnership.

SEC. 104. FUNDING LIMITATION.

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any of fiscal years 2022 through 2026 that the aggregate amount required to carry out transportation programs and projects under this Act and the amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for that program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to the amount available for those programs and projects in the Highway Trust Fund for the fiscal year.

SEC. 105. REPORTS; CERTIFICATION.

(a) REPORT ON EXISTING OBLIGATIONS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget (referred to in this section as the ''Director''), in consultation with the Secretary of Transportation, shall develop and submit to Congress a 5-year plan for the use of revenue deposited in the Highway Trust Fund to pay for unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act.

(2) REQUIREMENT.—In developing the plan under paragraph (1), the Director shall, to the maximum extent practicable, balance payments for new Federal-aid highway projects with continued payment of unpaid obligations described in paragraph (1).

(b) ANNUAL REPORTS.—Not less frequently than annually, the Director shall submit to Congress a report that includes—

(1) a description of the remaining balance of unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act; and

(2) a status update on the progress made toward achieving the goals of the 5-year plan developed under subsection (a).

(c) CERTIFICATION.—On the date that the Director determines that there are no remaining unpaid obligations under Federal-aid highway programs (as in effect before the date of enactment of this Act) incurred before the date of enactment of this Act, the Director shall submit to Congress a certification that there are no such remaining unpaid obligations.

TITLE II—FEDERAL-AID HIGHWAY PROGRAM REFORMS

SEC. 201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) FEDERAL-AID HIGHWAY.—The term 'Federal-aid highway' means a highway on the Interstate System eligible for assistance under this chapter.'';

(2) in paragraph (12), by striking ''section 103(c)'' and inserting ''section 103(b)'';

(3) by striking paragraph (16); and

(4) by redesignating paragraphs (17) through (34) as paragraphs (16) through (33), respectively.

SEC. 202. FEDERAL-AID SYSTEM.

(a) IN GENERAL.—Section 103(a) of title 23, United States Code, is amended by striking

''the National Highway System, which includes''.

(b) CONFORMING AMENDMENTS.—

(1) Section 103 of title 23, United States Code, is amended—

(A) by striking the section designation and heading and inserting the following:

''§ 103. Federal-aid system'';

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) Section 127(f) of title 23, United States Code, is amended by striking ''section 103(c)(4)(A)'' and inserting ''section 103(b)(4)(A)''.

(3) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

''103. Federal-aid system.''.

SEC. 203. APPORTIONMENT.

Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund for each of fiscal years 2022 through 2026, to be made available to the Secretary for administrative expenses of the Federal Highway Administration, an amount equal to 1 percent of the amounts made available for programs under this title for the fiscal year.''; and

(B) in paragraph (2)(B), by striking ''the Appalachian development highway system'' and inserting ''the portions of the Appalachian Development Highway System on the Interstate System'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134'' and inserting ''and the national highway freight program'';

(B) in each of paragraphs (1), (2), and (3), by striking ''paragraphs (4), (5), and (6)'' and inserting ''paragraph (4)'';

(C) by striking paragraph (4);

(D) by redesignating paragraph (5) as paragraph (4);

(E) in paragraph (4) (as so redesignated)—

(i) by striking subparagraph (B) and inserting the following:

''(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be 3.5 percent of the amounts made available for programs under this title for each of fiscal years 2022 through 2026.''; and

(ii) by striking subparagraph (D); and

(F) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026'';

(ii) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

''(i) the base apportionment; by''; and

(II) in clause (ii)(I), by striking ''fiscal year 2015'' and inserting ''fiscal year 2021''; and

(iii) in subparagraph (B), by striking ''(other than the Mass Transit Account)''; and

(B) in paragraph (2)—

(i) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(ii) by striking ''the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134'' and inserting ''and the national highway freight program under section 167'';

(4) by striking subsections (d) and (h);

(5) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively;

(6) by striking subsection (e) (as so redesignated) and inserting the following:

''(e) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including public transportation and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''; and

(7) by striking subsection (i) and inserting the following:

''(g) BASE APPORTIONMENT DEFINED.—In this section, the term 'base apportionment' means the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, and the national highway freight program under section 167.''.

SEC. 204. ADDITIONAL DEPOSITS IN HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105.

SEC. 205. PROJECT APPROVAL AND OVERSIGHT.

Section 106 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—For any project under this title, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections with respect to the project, unless the Secretary determines that the assumption is not appropriate.''; and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''this section, section 133, or section 149'' and inserting ''this section or section 133'';

(3) in subsection (e)(2)—

(A) in subparagraph (A), by striking ''the National Highway System'' and inserting ''the Interstate System''; and

(B) in subparagraph (B), by striking ''the National Highway System'' and inserting ''the Interstate System''; and

(4) in subsection (h)(3)(C), in the second sentence, by striking ''statewide and metropolitan planning requirements in sections 134 and 135'' and inserting ''statewide planning requirements under section 135''.

SEC. 206. STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d) through (n) as subsections (c) through (m), respectively;

(3) by striking subsection (o);

(4) by redesignating subsections (p) through (r) as subsections (n) through (p), respectively; and

(5) in subsection (n) (as so redesignated), in the matter preceding paragraph (1), by striking ''Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System'' and inserting ''Notwithstanding subsection (b), the Secretary may approve a project for the Interstate System''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 112 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)(F), by striking ''(F)(F) Subparagraphs (B), (C), (D), and (E) herein'' and inserting the following:

''(F) LIMITATION.—Subparagraphs (B) through (E)''; and

(B) in paragraph (4)(C)(iv)(II), by striking ''section 109(r)'' and inserting ''section 109(p)''; and

(2) in subsection (g)(2)(B), by striking ''section 109(e)(2)'' and inserting ''section 109(d)(2)''.

SEC. 207. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

Section 117 of title 23, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d) ELIGIBLE PROJECTS.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

''(1) is—

''(A) a highway freight project carried out on the National Highway Freight Network established under section 167;

''(B) a highway or bridge project carried out on the Interstate System, including a project to add capacity to the Interstate System to improve mobility; or

''(C) a railway-highway grade crossing or grade separation project on the Interstate System; and

''(2) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(A) $100,000,000; and

''(B) in the case of a project—

''(i) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

''(ii) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.'';

(2) in subsection (e)(1), by striking ''described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B)'' and inserting ''described in subsection (d)(1) that do not satisfy the minimum threshold under subsection (d)(2)'';

(3) by striking subsections (k) and (l);

(4) by redesignating subsections (m) and (n) as subsections (k) and (l), respectively; and

(5) in paragraph (1) of subsection (k) (as so redesignated)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) in the first sentence, by striking ''At least 60 days'' and inserting ''Not less than 60 days''; and

(ii) in the second sentence, by striking ''The notification'' and inserting the following:

''(B) INCLUSIONS.—Each notification under subparagraph (A)''.

SEC. 208. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended—

(1) in subsection (b), by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(2) in subsection (c), by striking ''the National Highway System, as defined in section 103'' and inserting ''the Interstate System'';

(3) in subsection (d)—

(A) by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(B) in paragraph (1)(B), by striking ''sections 134 and 135'' and inserting ''section 135''; and

(C) in paragraph (2)—

(i) by striking subparagraphs (F) through (H);

(ii) by redesignating subparagraphs (I) through (L) as subparagraphs (F) through (I), respectively; and

(iii) by striking subparagraphs (M) through (P);

(4) in subsection (e), by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(5) in subsection (f)—

(A) in the subsection heading, by striking ''AND NHS''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''NHS'' and inserting ''INTERSTATE SYSTEM''; and

(ii) by striking ''the National Highway System'' each place it appears and inserting ''the Interstate System'';

(6) by striking subsections (g) through (i); and

(7) by redesignating subsection (j) as subsection (g).

SEC. 209. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in subsection (b) (as so redesignated)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (1), (2), (5)(D), or (6) of section 104(b)'' and inserting ''paragraph (1) or (2) of section 104(b)''; and

(ii) in subparagraph (C)(i), by striking ''paragraphs (1), (2), (5)(D), and (6) of section 104(b)'' and inserting ''paragraphs (1) and (2) of section 104(b)'';

(4) in subsection (c) (as so redesignated), in the first sentence, by striking ''lands referred to in subsections (a) and (b) of this section'' and inserting ''land referred to in subsection (a)'';

(5) in subsection (d) (as so redesignated), in the matter preceding paragraph (1)—

(A) by striking '', including the Interstate System,''; and

(B) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)'';

(6) by striking subsection (g); and

(7) by redesignating subsections (h) through (k) as subsections (g) through (j), respectively.

SEC. 210. EMERGENCY RELIEF.

Section 125 of title 23, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''highways, roads, and trails,'' and inserting ''highways on the Interstate System'';

(2) in subsection (c)(1), by striking ''(other than the Mass Transit Account)'';

(3) in subsection (d)—

(A) in paragraph (3)(C), by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''subsection (e)(1)''; and

(B) by striking paragraph (5);

(4) by striking subsections (e) and (f); and

(5) by redesignating subsection (g) as subsection (e).

SEC. 211. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Section 126 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126.

SEC. 212. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended—

(1) by striking subsections (b) and (c);

(2) in subsection (a)—

(A) by striking ''(a) **Basic program**.—''; and

(B) by redesignating paragraphs (1) through (10) as subsections (a) through (j), respectively, and indenting appropriately;

(3) in subsection (a) (as so redesignated)—

(A) by striking subparagraphs (B) and (F);

(B) by redesignating subparagraphs (A), (C), (D), (E), (G), (H), and (I) as paragraphs (1) through (7), respectively, and indenting appropriately;

(C) in paragraph (1) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(D) in paragraph (3) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(E) in paragraph (4) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel'' each place it appears;

(F) in paragraph (6) (as so redesignated), by inserting ''on the Interstate System'' after ''tunnel''; and

(G) in paragraph (7), by striking ''this paragraph'' and inserting ''this subsection'';

(4) in subsection (b) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''this subsection'' and inserting ''this section''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(5) in subsection (c) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting appropriately;

(B) in paragraph (1) (as so redesignated), by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(C) in paragraph (2) (as so redesignated)—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(ii) in subparagraph (A) (as so redesignated), by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(D) in paragraph (3) (as so redesignated), by striking ''subparagraph (A)'' each place it appears and inserting ''paragraph (1)'';

(6) in subsection (d) (as so redesignated)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(B) in paragraph (2) (as so redesignated), by striking ''this paragraph'' and inserting ''this subsection'';

(7) in subsection (e) (as so redesignated), by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(8) in subsection (f) (as so redesignated), by striking ''paragraph (3)'' and inserting ''subsection (c)'';

(9) in subsection (g) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively, and indenting appropriately;

(B) by striking ''this paragraph'' each place it appears and inserting ''this subsection'';

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(D) in paragraph (8) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(10) in subsection (j) (as so redesignated)—

(A) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and indenting appropriately;

(B) in the matter preceding paragraph (1) (as so redesignated), by striking ''this subsection'' and inserting ''this section'';

(C) in paragraph (2) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(D) in paragraph (5) (as so redesignated), by striking ''this subsection'' and inserting ''this section''.

(b) CONFORMING AMENDMENTS.—

(1) Section 165(c)(6)(A) of title 23, United States Code, is amended—

(A) by striking clause (iii); and

(B) by redesignating clauses (iv) through (vii) as clauses (iii) through (vi), respectively.

(2) Section 166(c)(2) of title 23, United States Code, is amended by striking ''section 129(a)(3)'' and inserting ''section 129(c)''.

(3) Section 9 of the International Bridge Act of 1972 (33 U.S.C. 535f) is amended in the second sentence by striking ''section 129(a)(3)'' and inserting ''section 129(c)''.

SEC. 213. RAILWAY-HIGHWAY CROSSINGS.

(a) IN GENERAL.—Section 130 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 130.

(2) Section 409 of title 23, United States Code, is amended by striking ''sections 130, 144, and 148'' and inserting ''sections 144 and 148''.

SEC. 214. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraphs (B), (C), and (E);

(ii) by redesignating subparagraphs (D) and (F) as subparagraphs (B) and (C), respectively;

(iii) in subparagraph (A), by inserting ''that are on the Interstate System'' after ''title 40'';

(iv) in subparagraph (B) (as so redesignated)—

(I) by inserting ''on the Interstate System'' after ''improvements''; and

(II) by inserting ''and'' after the semicolon at the end; and

(v) in subparagraph (C) (as so redesignated), by inserting ''that are on the Interstate System'' before the period at the end;

(B) by striking paragraphs (3), (5), (6), (7), (11), (13), and (15);

(C) by redesignating paragraphs (4), (8), (9), (10), (12), and (14) as paragraphs (3) through (8), respectively;

(D) in paragraph (3) (as so redesignated), by striking'' and transit safety infrastructure improvements and programs, including railway-highway grade crossings'' and inserting ''safety infrastructure improvements and programs on the Interstate System'';

(E) in paragraph (4) (as so redesignated), by striking ''the National Highway System and a performance-based management program for other public roads'' and inserting ''the Interstate System'';

(F) in paragraph (5) (as so redesignated), by inserting ''on the Interstate System'' before the period at the end;

(G) in paragraph (6) (as so redesignated), by inserting ''with respect to the Interstate System'' before the period at the end;

(H) in paragraph (7) (as so redesignated), by inserting ''on the Interstate System'' before the period at the end; and

(I) in paragraph (8) (as so redesignated), by striking ''and chapter 53 of title 49'';

(2) by striking subsection (c) and inserting the following:

''(c) LOCATION OF PROJECTS.—A project under this section may only be carried out on a road on the Interstate System.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(after the reservation of funds under subsection (h))''; and

(ii) in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(D) in paragraph (4) (as so redesignated), by striking ''sections 134 and 135'' and inserting ''section 135''; and

(E) in paragraph (5) (as so redesignated), by striking ''is'' and all that follows through the period at the end and inserting ''is 55 percent for each of fiscal years 2022 through 2026.'';

(4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(5) by striking subsections (f) through (i).

(b) CONFORMING AMENDMENT.—Section 165(c)(7) of title 23, United States Code, is amended by striking ''paragraphs (1) through (4) of section 133(c) and section 133(b)(12)'' and inserting ''section 133(b)(7)''.

SEC. 215. METROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 134 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134.

(2) Section 2864(f)(2) of title 10, United States Code, is amended by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''title 23''.

(3) Section 108(d)(5)(A) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(4) Section 135 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Subject to section 134, to accomplish the objectives stated in section 134(a)'' and inserting ''To accomplish the objectives stated in section 134(a) (as in effect on the day before the date of enactment of the Transportation Empowerment Act)''; and

(ii) in paragraph (3), by inserting ''(as in effect on the day before the date of enactment of the Transportation Empowerment Act)'' after ''section 134(a)'';

(B) in subsection (b)(1), by striking ''with the transportation planning activities carried out under section 134 for metropolitan areas of the State and'';

(C) in subsection (f)—

(i) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(ii) by striking paragraph (4);

(iii) in paragraph (6), by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

(iv) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(D) in subsection (g)—

(i) in paragraph (2)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(ii) in paragraph (3), by striking '',,'' and inserting a comma;

(iii) in paragraph (6)(B), by striking ''5310, 5311, 5316, and 5317'' and inserting ''5310 and 5311''; and

(iv) in paragraph (8), by striking ''and section 134'';

(E) in subsection (i), by striking ''apportioned under paragraphs (5)(D) and (6) of section 104(b) of this title and'';

(F) in subsection (j), by striking ''and section 134'' each place it appears; and

(G) by adding at the end the following:

''(n) DEFINITIONS.—In this section, the definitions under section 134(b) (as in effect on the day before the date of enactment of the Transportation Empowerment Act) shall apply.''.

(5) Section 137 of title 23, United States Code, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(6) Section 166 of title 23, United States Code, is amended by striking subsection (g).

(7) Section 168(a)(3) of title 23, United States Code, is amended by striking ''metropolitan or statewide transportation planning under section 134 or 135, respectively'' and inserting ''statewide transportation planning under section 135''.

(8) Section 201(c)(1) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(9) Section 327(a)(2)(B)(iv)(I) of title 23, United States Code, is amended by striking ''134 or''.

(10) Section 505 of title 23, United States Code, is amended—

(A) in subsection (a)(2)—

(i) by striking ''metropolitan and''; and

(ii) by striking ''sections 134 and 135'' and inserting ''section 135''; and

(B) in subsection (b)(2), by striking ''sections 134 and 135'' and inserting ''section 135''.

(11) Section 602(a)(3) of title 23, United States Code, is amended by striking ''sections 134 and 135'' and inserting ''section 135''.

(12) Section 174 of the Clean Air Act (42 U.S.C. 7504) is amended—

(A) in the fourth sentence of subsection (a), by striking ''the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code,'';

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(13) Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking the second sentence;

(B) in paragraph (7)(A), in the matter preceding clause (i), by striking ''section 134(i) of title 23, United States Code, or''; and

(C) in paragraph (9)—

(i) by striking ''section 134(i) of title 23, United States Code, or''; and

(ii) by striking ''under section 134(j) of such title 23 or''.

(14) Section 182(c)(5) of the Clean Air Act (42 U.S.C. 7511a(c)(5)) is amended—

(A) by striking ''(A) Beginning'' and inserting ''Beginning''; and

(B) in the last sentence by striking ''and with the requirements of section 174(b)''.

(15) Section 5304(i) of title 49, United States Code, is amended—

(A) by striking ''sections 134 and 135'' each place it appears and inserting ''section 135''; and

(B) by striking ''this this'' and inserting ''this''.

SEC. 216. CONTROL OF JUNKYARDS.

Section 136 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''and the primary system'';

(2) in subsection (b), in the first sentence—

(A) by striking ''and the primary system''; and

(B) by striking ''paragraphs (1) through (6) of section 104(b)'' and inserting ''paragraphs (1) through (4) of section 104(b)'';

(3) in subsection (g), by striking ''and the primary system'';

(4) in subsection (k), by striking ''interstate and primary systems'' and inserting ''Interstate System''; and

(5) by striking subsection (n).

SEC. 217. ENFORCEMENT OF REQUIREMENTS.

Section 141 of title 23, United States Code, is amended—

(1) in subsection (a), in the first sentence, by striking ''the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System'' and inserting ''the Interstate System''; and

(2) in subsection (b)(2), by striking ''paragraphs (1) through (6) of section 104(b)'' and inserting ''paragraphs (1) through (4) of section 104(b)''.

SEC. 218. PUBLIC TRANSPORTATION.

(a) IN GENERAL.—Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) in the second sentence, by striking ''If fees'' and inserting the following:

''(2) RATE.—If fees''; and

(C) by striking ''(a)(1) To encourage'' and inserting the following:

''(a) CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—To encourage'';

(2) by striking subsections (d), (g), (h), and (i);

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(4) in subsection (d) (as so redesignated)—

(A) by striking ''of this section'' each place it appears;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENT.—Section 156(a) of title 23, United States Code, is amended by striking ''section 142(f)'' and inserting ''section 142(e)''.

SEC. 219. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking ''each of fiscal years 2016 through 2020'' and inserting ''each of fiscal years 2022 through 2026''.

SEC. 220. NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.

Section 144 of title 23, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''highway bridges and tunnels of the United States'' and inserting ''bridges on the Interstate System'';

(B) in subparagraph (B), by striking ''highway bridges and tunnels'' and inserting ''bridges on the Interstate System''; and

(C) in subparagraph (E), by striking ''National Highway System bridges and bridges

on all public roads'' and inserting ''bridges on the Interstate System'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''all highway bridges on public roads, on and off Federal-aid highways,'' and inserting ''all bridges on the Interstate System,''; and

(B) in paragraph (2), by striking ''all tunnels on public roads, on and off Federal-aid highways,'' and inserting ''all tunnels on the Interstate System,'';

(3) in subsection (d)—

(A) by striking paragraphs (2) and (4); and

(B) by redesignating paragraph (3) as paragraph (2);

(4) in subsection (e)(1), by inserting ''on the Interstate System'' after ''any bridge'';

(5) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''on the Interstate System'' after ''any bridge'';

(6) in subsection (g)—

(A) in paragraph (1), by inserting ''on the Interstate System'' after ''any bridge''; and

(B) in paragraph (3), by striking ''bridges on and off Federal-aid highways'' and inserting ''bridges on the Interstate System'';

(7) in subsection (h)—

(A) in paragraph (1)(A), by striking ''highway bridges and tunnels'' and inserting ''bridges and tunnels on the Interstate System'';

(B) in paragraph (2), by striking ''highway'' each place it appears and inserting ''Interstate System''; and

(C) in paragraph (3)(B)(i), by striking ''highway bridges'' and inserting ''Interstate System bridges'';

(8) in subsection (i)(1), by striking ''highway bridge'' and inserting ''Interstate System bridge''; and

(9) in subsection (j)—

(A) in paragraph (3)(B), by striking ''a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable'' and inserting ''a statewide transportation improvement program under section 135''; and

(B) in paragraph (4)(A), by striking ''sections 134 and 135'' and inserting ''section 135''.

SEC. 221. CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—Section 146 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 146.

SEC. 222. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Section 147 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147.

SEC. 223. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''roadway functionally classified as a rural major or minor collector or a rural local road'' and inserting ''road on the Interstate System'';

(B) in paragraph (2), by striking ''all public roads'' and inserting ''all roads on the Interstate System'';

(C) in paragraph (4)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''on a public road'' and inserting ''on the Interstate System''; and

(ii) in subparagraph (B)—

(I) in clause (iii), by striking '', if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities'';

(II) by striking clauses (v), (xviii), (xix), (xxiii), (xxvi), (xxvii), and (xxviii);

(III) by redesignating clauses (vi) through (xvii), (xx) through (xxii), (xxiv), and (xxv) as clauses (v) through (xxi), respectively; and

(IV) in clause (xix) (as so redesignated), by inserting ''on the Interstate System'' after ''improvements'';

(D) in paragraph (9)(A), by striking ''a public road'' and inserting ''the Interstate System''; and

(E) in paragraph (11)(D), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(2) in subsection (b)(2), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(3) in subsection (c)(2)—

(A) in subparagraph (A)(i), by striking ''all public roads, including non-State-owned public roads and roads on tribal land in the State'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land in the State'';

(B) in subparagraph (B)(iii), by striking ''all public roads'' and inserting ''all roads on the Interstate System'';

(C) in subparagraph (C)(i), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(D) in subparagraph (D)—

(i) in clause (ii), by striking ''all public roads, including public non-State-owned roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(ii) in clause (iii), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(iii) in clause (v), by striking ''all public roads in the State'' and inserting ''all roads on the Interstate System in the State'';

(4) in subsection (d)(1)(B)—

(A) in clause (iv), by striking ''rural roads, including all public roads,'' and inserting ''roads on the Interstate System in rural areas''; and

(B) in clause (viii), by striking ''all public roads, including non-State-owned public roads and roads on tribal land'' and inserting ''all roads on the Interstate System, including non-State owned roads on the Interstate System and roads on the Interstate System on tribal land'';

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''on any public road or publicly owned bicycle or pedestrian pathway or trail'' and inserting ''on any road on the Interstate System''; and

(B) in subparagraph (C), by striking ''a public road'' and inserting ''a road on the Interstate System'';

(6) in subsection (f)(1)(B), by striking ''all public roads'' each place it appears and inserting ''all roads on the Interstate System'';

(7) in subsection (h)(1)(C), by striking ''all public roads'' each place it appears and inserting ''all roads on the Interstate System'';

(8) in subsection (i)(2)(D), by striking ''safety safety'' and inserting ''safety'';

(9) in subsection (j), by striking ''sections 120 and 130'' and inserting ''section 120''; and

(10) by striking subsection (k).

SEC. 224. REPEAL OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 149 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149.

(2) Section 322(h)(3) of title 23, United States Code, is amended by striking ''and the congestion mitigation and air quality improvement program under section 149''.

(3) Section 505(a)(3) of title 23, United States Code, is amended by striking ''149,''.

SEC. 225. NATIONAL GOALS AND PERFORMANCE MEASURES.

Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''all public roads'' and inserting ''all roads on the Interstate System''; and

(B) in paragraph (3), by striking ''National Highway System'' and inserting ''Interstate System'';

(2) in subsection (c)—

(A) in paragraph (3)(A)(ii), by striking subclauses (II) through (V) and inserting the following:

''(II) the condition of bridges on the Interstate System; and

''(III) the performance of the Interstate System;'';

(B) by striking paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(3) in subsection (d)(1), by striking ''(5), and (6)'' and inserting ''and (5)''; and

(4) in subsection (e), by striking ''National Highway System'' each place it appears and inserting ''Interstate System''.

SEC. 226. NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.

Section 151(a) of title 23, United States Code, is amended by striking ''major national highways'' and inserting ''the Interstate System''.

SEC. 227. HAZARD ELIMINATION PROGRAM.

(a) IN GENERAL.—Section 152 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 152.

SEC. 228. NATIONAL SCENIC BYWAYS PROGRAM.

Section 162(a)(2) of title 23, United States Code, is amended by inserting '', subject to the condition that the road is a road on the Interstate System'' before the period at the end.

SEC. 229. NATIONAL HIGHWAY FREIGHT PROGRAM.

Section 167 of title 23, United States Code, is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (F)''; and

(B) by adding at the end the following:

''(F) REQUIREMENT.—In redesignating the primary highway freight system under subparagraph (A), the Administrator shall ensure that all roads on the primary highway freight system are roads on the Interstate System.'';

(2) in subsection (e)(1), in the matter preceding subparagraph (A)—

(A) by striking ''a public road'' and inserting ''a road on the Interstate System''; and

(B) by striking ''the public road'' and inserting ''the road'';

(3) in subsection (f), by striking ''public road'' each place it appears and inserting ''road on the Interstate System'';

(4) in subsection (i)—

(A) by striking ''section 104(b)(5)'' each place it appears and inserting ''section 104(b)(4)'';

(B) in paragraph (5)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (C) (as so redesignated)—

(I) by striking clauses (vi), (xi), (xiv), (xviii), (xxii), and (xxiii); and

(II) by redesignating clauses (vii) through (x), (xii) and (xiii), (xv) through (xvii), and (xix) through (xxi) as clauses (vi) through (xvii), respectively;

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''for'' and all that follows through ''the necessary costs'' in subparagraph (B) in the matter preceding clause (i) and inserting ''for the necessary costs''; and

(ii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and indenting appropriately; and

(D) in paragraph (7), by striking ''sections 134 and 135'' and inserting ''section 135'';

(5) in subsection (k)(1)(A)(ii), by striking ''ports-of'' and inserting ''ports of''; and

(6) by striking subsection (l).

SEC. 230. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Section 206 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 325 of title 23, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206.

SEC. 231. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1524(a) of MAP–21 (23 U.S.C. 206 note; Public Law 112–141) is amended by striking ''sections 162, 206, 213, and 217'' and inserting ''section 162''.

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 217.

SEC. 232. ALASKA HIGHWAY.

(a) IN GENERAL.—Section 218 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 218.

SEC. 233. CONFORMING AMENDMENTS.

(a) CONTROL OF OUTDOOR ADVERTISING.—Section 131(t) of title 23, United States Code, is amended by striking '', and any highway which is not on such system but which is on the National Highway System''.

(b) ELIMINATION OF MASS TRANSIT ACCOUNT.—

(1) Section 102(b) of title 23, United States Code, is amended in the first sentence by striking ''(other than the Mass Transit Account)''.

(2) Section 118(a) of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(3) Section 156(a) of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(4) Section 321 of title 23, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(5) Section 323(b)(1) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking ''(other than the Mass Transit Account)''.

(6) Section 521(b)(10) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(7) Section 6308 of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(8) Section 31104(g) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(9) Section 31110(d) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(10) Section 31138(d)(5) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(11) Section 31139(g)(5) of title 49, United States Code, is amended by striking ''(other than the Mass Transit Account)''.

(c) NATIONAL HIGHWAY SYSTEM REPEAL.—Section 111(d)(1) of title 23, United States Code, is amended in the first sentence by striking ''the National Highway System'' and inserting ''the Interstate System''.

TITLE III—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Highway Trust Fund Authority

SEC. 301. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2021'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2026'', and

(2) by striking ''Continuing Appropriations Act, 2021 and Other Extensions Act'' in subsections (c)(1) and (e)(3) and inserting ''Transportation Empowerment Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking ''Continuing Appropriations Act, 2021 and Other Extensions Act'' each place it appears in subsection (b)(2) and inserting ''Transportation Empowerment Act'', and

(2) by striking ''October 1, 2021'' in subsection (d)(2) and inserting ''October 1, 2026''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking ''October 1, 2021'' and inserting ''October 1, 2026''.

SEC. 302. TERMINATION OF MASS TRANSIT ACCOUNT.

Section 9503(e) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence of paragraph (2), by inserting '', and before October 1, 2021'' after ''March 31, 1983'', and

(2) by adding at the end the following:

''(6) TRANSFER TO HIGHWAY ACCOUNT.—On the date on which Director of the Office of Management and Budget submits the certification under section 105(c) of the Transportation Empowerment Act, the Secretary shall transfer all amounts in the Mass Transit Account to the Highway Account.''.

SEC. 303. TRANSFER OF UNUSED COVID–19 APPROPRIATIONS TO THE HIGHWAY TRUST FUND.

(a) ECONOMIC INJURY DISASTER LOAN SUBSIDY.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Disaster Loans Program Account'' in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), $13,500,000,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) TARGETED EIDL ADVANCE.—

(1) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Targeted EIDL Advance'' in section 323(d)(1)(D) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $17,578,000,000 are hereby transferred to the Highway Trust Fund.

(2) The unobligated balances from amounts made available in section 5002(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) are hereby transferred to the Highway Trust Fund.

(c) ECONOMIC STABILIZATION PROGRAM.—Of the unobligated balances from amounts made available in section 4027(a) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9601), $1,366,100,000 are hereby transferred to the Highway Trust Fund.

(d) BUSINESS LOANS PROGRAM ACCOUNT.—

(1) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' in section 1107(a)(1) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), as amended by section 101(a)(2) of division A of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(A) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260) for carrying out paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), $4,684,000,000 are hereby transferred to the Highway Trust Fund.

(2) Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Business Loans Program Account'' in section 323(d)(1)(F) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $992,000,000 are hereby transferred to the Highway Trust Fund.

(e) PANDEMIC RELIEF FOR AVIATION WORKERS, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT).—Of the unobligated balances from amounts made available in section 4120 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9080), $3,000,000,000 are hereby transferred to the Highway Trust Fund.

(f) EDUCATION STABILIZATION FUND.—

(1) TRANSFER.—Of the unobligated balances from amounts made available under the heading ''Education Stabilization Fund'' in title VIII of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and in title III of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260) that were reserved for the Higher Education Emergency Relief Fund by sections 18004(a)(1) and 18004(a)(2) of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) and sections 314(a)(1), 314(a)(2), and 314(a)(4) of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $353,400,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) SMALL BUSINESS ADMINISTRATION, SALARIES AND EXPENSES.—

(1) RESCISSION.—Of the unobligated balances from amounts made available under the heading ''Small Business Administration—Salaries and Expenses'' in section 1107(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), in title II of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139), and in section 323(d)(1)(C) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260), $175,000,000 are hereby transferred to the Highway Trust Fund.

(2) DESIGNATION.—The amount transferred pursuant to paragraph (1) that was previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(h) PANDEMIC RELIEF FOR AVIATION WORKERS.—Of the unobligated balances from amounts made available in section 411 of subtitle A of title IV of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9101), $200,000,000 are hereby transferred to the Highway Trust Fund.

(i) CONFORMING AMENDMENT.—Section 9503(f) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

''(11) TRANSFER OF UNUSED COVID–19 APPROPRIATIONS.—There is hereby transferred to the Highway Trust Fund the amounts described in subsections (a) through (h) of section 303 of the Transportation Empowerment Act.''.

SEC. 304. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.

(a) TERMINATION OF CREDIT.—

(1) IN GENERAL.—Section 3134 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (c)(5)—

(i) in subparagraph (A), by adding ''and'' at the end,

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a period, and

(iii) by striking subparagraph (C), and

(B) in subsection (n), by striking ''January 1, 2022'' and inserting ''October 1, 2021 (or, in the case of wages paid by an eligible employer which is a recovery startup business, January 1, 2022)''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to calendar quarters beginning after September 30, 2021.

(b) TRANSFERS OF SAVINGS TO THE HIGHWAY TRUST FUND.—Section 9503(f) of the Internal Revenue Code of 1986, as amended by section 303(i), is further amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

''(12) SAVINGS FROM TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to savings achieved as a result of the amendments made by section 304 of the Transportation Empowerment Act, as estimated by the Secretary.''.

SEC. 305. TRANSFER OF UNUSED CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO THE HIGHWAY TRUST FUND.

(a) TRANSFER OF FUNDS.—

(1) IN GENERAL.—Of the unobligated balances of the amounts appropriated under sections 602(a) and 603(a) of the Social Security Act (42 U.S.C. 802(a), 803(a)) as of the date of enactment of this Act, $70,000,000,000 are hereby transferred to the Highway Trust Fund.

(2) APPORTIONMENT.—In carrying out paragraph (1), the Secretary of the Treasury shall transfer the funds specified in such paragraph from the unobligated balances of the amounts appropriated under sections 602(a)(1) and 603(a) of such Act in equal proportion to the greatest extent practicable.

(b) CONFORMING AMENDMENTS.—

(1) CORONAVIRUS STATE FISCAL RECOVERY FUND.—Section 602(b)(4) of the Social Security Act (42 U.S.C. 802(b)(4)) is amended to read as follows:

''(4) ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3)—

''(A) shall be adjusted by the Secretary on a pro rata basis to the extent necessary to carry out the transfer of funds required under section 305(a) of the Transportation Empowerment Act; and

''(B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated to States, territories, and Tribal governments in accordance with the requirements specified in each such paragraph (as applicable).''.

(2) CORONAVIRUS LOCAL FISCAL RECOVERY FUND.—Section 603(b)(5) of the Social Security Act (42 U.S.C. 803(b)(5) is amended to read as follows:

''(5) ADJUSTMENT AUTHORITY.—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3)—

''(A) shall be adjusted by the Secretary on a pro rata basis to the extent necessary to carry out the transfer of funds required under section 305(a) of the Transportation Empowerment Act; and

''(B) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are distributed to metropolitan cities, counties, and States in accordance with the requirements specified in each paragraph (as applicable) and the certification requirement specified in subsection (d).''.

(c) CONFORMING AMENDMENT.—Section 9503(f) of the Internal Revenue Code of 1986, as amended by section 304(b), is further amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

''(13) TRANSFER OF UNUSED COVID–19 APPROPRIATIONS.—There is hereby transferred to the Highway Trust Fund the amounts described in section 305(a) of the Transportation Empowerment Act.''.

Subtitle B—Highway Related Taxes

SEC. 311. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''7 cents'', and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''8.3 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''6.7 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''8.3 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''2.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after'' and inserting ''1.5 cents per gallon (zero cents per gallon after''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''18.3 cents'' and inserting ''7 cents''.

(3) Clauses (iii) and (iv) of section 4041(a)(2)(B) of such Code are each amended by striking ''24.3 cents'' and inserting ''8.3 cents''.

(4) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''7 cents''.

(5) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''3.1 cents'',

(B) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''3.9 cents'', and

(C) in subparagraph (B), by striking all after ''2022'' and inserting '', zero cents per gallon.''.

(6) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon'' and inserting ''zero cents per gallon''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the applicable date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date that is 6 months after the applicable date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the applicable date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date that is 3 months after the applicable date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE DATE.—The term ''applicable date'' means the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(B) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), the amendments made by this section shall apply to fuel removed on or

after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by paragraphs (1), (2), (3), (4), and (5) of subsection (b) shall apply to fuel sold or used after the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 312. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2023'' each place it appears and inserting ''2028'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2022'' each place it appears and inserting ''October 1, 2027'',

(2) by striking ''March 31, 2023'' each place it appears and inserting ''March 31, 2027'', and

(3) by striking ''January 1, 2023'' and inserting ''January 1, 2028''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2023'' and inserting ''October 1, 2028''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2022'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2027'',

(ii) by striking ''OCTOBER 1, 2022'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2027'',

(iii) by striking ''September 30, 2022'' in paragraph (2) and inserting ''September 30, 2027'', and

(iv) by striking ''July 1, 2023'' in paragraph (2) and inserting ''July 1, 2027'', and

(B) in subsection (c)(2), by striking ''July 1, 2023'' and inserting ''July 1, 2028''.

(2) SMALL-ENGINE FUEL TAX TRANSFERS.—Paragraph (4)(A) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(f) TERMINATION OF MOTORBOAT FUEL TAX TRANSFERS.—

(1) IN GENERAL.—Paragraph (3)(A)(i) of section 9503(c) of such Code is amended by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(A) by striking ''October 1, 2023'' each place it appears and inserting ''October 1, 2022''; and

(B) by striking ''October 1, 2022'' and inserting ''October 1, 2021''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

TITLE IV—MISCELLANEOUS

SEC. 401. NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.

(a) NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.—

(1) APPLICABLE TIMELINES.—Title I of the National Environmental Policy Act of 1969 is amended—

(A) by redesignating section 105 (42 U.S.C. 4335) as section 108; and

(B) by inserting after section 104 (42 U.S.C. 4334) the following:

''SEC. 105. PROCESS REQUIREMENTS.

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' includes a State that has assumed the responsibility of a Federal agency under—

''(A) section 107; or

''(B) section 327 of title 23, United States Code.

''(2) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' includes the governor or head of an applicable State agency of a State that has assumed the responsibility of a Federal agency under—

''(A) section 107; or

''(B) section 327 of title 23, United States Code.

''(b) APPLICABLE TIMELINES.—

''(1) NEPA PROCESS.—

''(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a proposed action of the Federal agency, as described in section 109(3)(B)(ii), not later than 2 years after the date described in section 109(3)(B)(i).

''(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in section 109(3)(B)(i), the head of the Federal agency shall, with respect to the proposed action—

''(i) issue—

''(I) a finding that a categorical exclusion applies to the proposed action; or

''(II) a finding of no significant impact; or

''(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

''(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the proposed action.

''(D) PENALTIES.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(II) FEDERAL AGENCY.—The term 'Federal agency' does not include a State.

''(III) FINAL NEPA COMPLIANCE DATE.—The term 'final NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to complete the NEPA process under subparagraph (A).

''(IV) HEAD OF A FEDERAL AGENCY.—The term 'head of a Federal agency' does not include the governor or head of a State agency of a State.

''(V) INITIAL EIS COMPLIANCE DATE.—The term 'initial EIS compliance date', with respect to a proposed action for which a Federal agency published a notice of intent described in subparagraph (B)(ii), means the date by which an environmental impact statement for that proposed action is required to be completed under subparagraph (C).

''(VI) INITIAL NEPA COMPLIANCE DATE.—The term 'initial NEPA compliance date', with respect to a proposed action, means the date by which the head of a Federal agency is required to issue or publish a document described in subparagraph (B) for that proposed action under that subparagraph.

''(VII) INITIAL NONCOMPLIANCE DETERMINATION.—The term 'initial noncompliance determination' means a determination under clause (ii)(I)(bb) that the head of a Federal agency has not complied with the requirements of subparagraph (A), (B), or (C).

''(ii) INITIAL NONCOMPLIANCE.—

''(I) DETERMINATION.—

''(aa) NOTIFICATION.—As soon as practicable after the date described in section 109(3)(B)(i) for a proposed action of a Federal agency, the head of the Federal agency shall notify the Director that the head of the Federal agency is beginning the NEPA process for that proposed action.

''(bb) DETERMINATIONS OF COMPLIANCE.—

''(AA) INITIAL DETERMINATION.—As soon as practicable after the initial NEPA compliance date for a proposed action, the Director shall determine whether, as of the initial NEPA compliance date, the head of the Federal agency has complied with subparagraph (B) for that proposed action.

''(BB) ENVIRONMENTAL IMPACT STATEMENT.—With respect to a proposed action of a Federal agency in which the head of the Federal agency publishes a notice of intent described in subparagraph (B)(ii), as soon as practicable after the initial EIS compliance date for a proposed action, the Director shall determine whether, as of the initial EIS compliance date, the head of the Federal agency has complied with subparagraph (C) for that proposed action.

''(CC) COMPLETION OF NEPA PROCESS.—As soon as practicable after the final NEPA compliance date for a proposed action, the Director shall determine whether, as of the final NEPA compliance date, the head of the Federal agency has complied with subparagraph (A) for that proposed action.

''(II) IDENTIFICATION; PENALTY; NOTIFICATION.—If the Director makes an initial noncompliance determination for a proposed action—

''(aa) the Director shall identify the account for the salaries and expenses of the office of the head of the Federal agency, or an equivalent account;

''(bb) beginning on the day after the date on which the Director makes the initial noncompliance determination, the amount that the head of the Federal agency may obligate from the account identified under item (aa) for the fiscal year during which the determination is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(cc) the Director shall notify the head of the Federal agency of—

''(AA) the initial noncompliance determination;

''(BB) the account identified under item (aa); and

''(CC) the reduction under item (bb).

''(iii) CONTINUED NONCOMPLIANCE.—

''(I) DETERMINATION.—Every 90 days after the date of an initial noncompliance determination, the Director shall determine whether the head of the Federal agency has complied with the applicable requirements of subparagraphs (A) through (C) for the proposed action, until the date on which the Director determines that the head of the Federal agency has completed the NEPA process for the proposed action.

''(II) PENALTY; NOTIFICATION.—For each determination made by the Director under subclause (I) that the head of a Federal agency

has not complied with a requirement of subparagraph (A), (B), or (C) for a proposed action—

''(aa) the amount that the head of the Federal agency may obligate from the account identified under clause (ii)(II)(aa) for the fiscal year during which the most recent determination under subclause (I) is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

''(bb) the Director shall notify the head of the Federal agency of—

''(AA) the determination under subclause (I); and

''(BB) the reduction under item (aa).

''(iv) REQUIREMENTS.—

''(I) AMOUNTS NOT RESTORED.—A reduction in the amount that the head of a Federal agency may obligate under clause (ii)(II)(bb) or (iii)(II)(aa) during a fiscal year shall not be restored for that fiscal year, without regard to whether the head of a Federal agency completes the NEPA process for the proposed action with respect to which the Director made an initial noncompliance determination or a determination under clause (iii)(I).

''(II) REQUIRED TIMELINES.—The violation of subparagraph (B) or (C), and any action carried out to remediate or otherwise address the violation, shall not affect any other applicable compliance date under subparagraph (A), (B), or (C).

''(E) UNEXPECTED CIRCUMSTANCES.—If, while carrying out a proposed action after the completion of the NEPA process for that proposed action, a Federal agency or project sponsor encounters a new or unexpected circumstance or condition that may require the reevaluation of the proposed action under this title, the head of the Federal agency with responsibility for carrying out the NEPA process for the proposed action shall—

''(i) consider whether mitigating the new or unexpected circumstance or condition is sufficient to avoid significant effects that may result from the circumstance or condition; and

''(ii) if the head of the Federal agency determines under clause (i) that the significant effects that result from the circumstance or condition can be avoided, mitigate the circumstance or condition without carrying out the NEPA process again.

''(2) AUTHORIZATIONS AND PERMITS.—

''(A) IN GENERAL.—Not later than 90 days after the date described in section 109(3)(B)(ii), the head of a Federal agency shall issue—

''(i) any necessary permit or authorization to carry out the proposed action; or

''(ii) a denial of the permit or authorization necessary to carry out the proposed action.

''(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

''(C) DENIAL OF PERMIT OR AUTHORIZATION.—

''(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

''(I) the basis of the denial; and

''(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

''(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

''(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after date on which the project sponsor submitted the notification; and

''(II) shall not carry out the NEPA process with respect to the proposed action again.''.

(2) AGENCY PROCESS REFORMS.—Section 105 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (as added by paragraph (1)(B)) is amended by adding at the end the following:

''(c) PROHIBITIONS.—In carrying out the NEPA process, the head of a Federal agency may not—

''(1) consider whether a proposed action or an alternative to the proposed action considered by the head of the Federal agency, including the design, environmental impact, mitigation measures, or adaptation measures of the proposed action or alternative to the proposed action, has an effect on climate change;

''(2) with respect to a proposed action or an alternative to the proposed action considered by the head of the Federal agency, consider the effects of the emission of greenhouse gases on climate change;

''(3) consider an alternative to the proposed action if the proposed action is not technically or economically feasible to the project sponsor; or

''(4) consider an alternative to the proposed action that is not within the jurisdiction of the Federal agency.

''(d) ENVIRONMENTAL DOCUMENTS.—

''(1) EIS REQUIRED.—In carrying out the NEPA process for a proposed action that requires the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental impact statement;

''(B) if necessary, environmental assessment; and

''(C) record of decision.

''(2) EIS NOT REQUIRED.—In carrying out the NEPA process for a proposed action that does not require the preparation of an environmental impact statement, the head of a Federal agency shall produce for the proposed action not more than 1—

''(A) environmental assessment; or

''(B) finding of no significant impact.

''(e) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the head of a Federal agency may, without further approval, use a categorical exclusion under this title that has been approved by—

''(A)(i) another Federal agency; and

''(ii) the Council on Environmental Quality; or

''(B) an Act of Congress.

''(2) REQUIREMENTS.—The head of a Federal agency may use a categorical exclusion described in paragraph (1) if the head of the Federal agency—

''(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

''(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

''(3) EXTRAORDINARY CIRCUMSTANCES.—If the head of a Federal agency determines that extraordinary circumstances are present with respect to a proposed action, the head of the Federal agency shall—

''(A) consider whether mitigating circumstances or other conditions are sufficient to avoid significant effects of the proposed action; and

''(B) if the head of the Federal agency determines that those significant effects can be avoided, apply a categorical exclusion to the proposed action.

''(f) REUSE OF WORK; DOCUMENTS PREPARED BY QUALIFIED 3RD PARTIES.—

''(1) IN GENERAL.—In carrying out the NEPA process for a proposed action—

''(A) subject to paragraph (2), the head of a Federal agency shall—

''(i) use any applicable findings and research from a prior NEPA process of any Federal agency; and

''(ii) incorporate the findings and research described in clause (i) into any applicable analysis under the NEPA process; and

''(B) a Federal agency may adopt as an environmental impact statement, environmental assessment, or other environmental document to achieve compliance with this title—

''(i) an environmental document prepared under the law of the applicable State if the head of the Federal agency determines that the environmental laws of the applicable State—

''(I) provide the same level of environmental analysis as the analysis required under this title; and

''(II) allow for the opportunity of public comment; or

''(ii) subject to paragraph (3), an environmental document prepared by a qualified third party chosen by the project sponsor, at the expense of the project sponsor, if the head of the Federal agency—

''(I) provides oversight of the preparation of the environmental document by the third party; and

''(II) independently evaluates the environmental document for the compliance of the environmental document with this title.

''(2) REQUIREMENT FOR THE REUSE OF FINDINGS AND RESEARCH.—The head of a Federal agency may reuse the applicable findings and research described in paragraph (1)(A) if—

''(A)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the conditions under which the applicable findings and research were issued have not substantially changed; or

''(B)(i) the project for which the head of the Federal agency is seeking to reuse the findings and research was not in close geographic proximity to the proposed action; and

''(ii) the head of the Federal agency determines that the proposed action has similar issues or decisions as the project.

''(3) REQUIREMENTS FOR CREATION OF ENVIRONMENTAL DOCUMENT BY QUALIFIED 3RD PARTIES.—

''(A) IN GENERAL.—A qualified third party may prepare an environmental document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document for a proposed action under paragraph (1)(B)(ii) if—

''(i) the project sponsor submits a written request to the head of the applicable Federal agency that the head of the Federal agency approve the qualified third party to create the document intended to be adopted by a Federal agency as the environmental impact statement, environmental assessment, or other environmental document; and

''(ii) the head of the Federal agency determines that—

''(I) the third party is qualified to prepare the document; and

''(II) the third party has no financial or other interest in the outcome of the proposed action.

''(B) DEADLINE.—The head of a Federal agency that receives a written request under

subparagraph (A)(i) shall issue a written decision approving or denying the request not later than 30 days after the date on which the written request is received.

''(C) NO PRIOR WORK.—The head of a Federal agency may not adopt an environmental document under paragraph (1)(B)(ii) if the qualified third party began preparing the document prior to the date on which the head of the Federal agency issues the written decision under subparagraph (B) approving the request.

''(D) DENIALS.—If the head of a Federal agency issues a written decision denying the request under subparagraph (A)(i), the head of the Federal agency shall submit to the project sponsor with the written decision the findings that served as the basis of the denial.

''(g) MULTI-AGENCY PROJECTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COOPERATING AGENCY.—The term 'cooperating agency' means a Federal agency involved in a proposed action that—

''(i) is not the lead agency; and

''(ii) has the jurisdiction or special expertise such that the Federal agency needs to be consulted—

''(I) to use a categorical exclusion; or

''(II) to prepare an environmental assessment or environmental impact statement, as applicable.

''(B) LEAD AGENCY.—The term 'lead agency' means the Federal agency selected under paragraph (2)(A).

''(2) AGENCY DESIGNATION.—

''(A) LEAD AGENCY.—In carrying out the NEPA process for a proposed action that requires authorization from multiple Federal agencies, the heads of the applicable Federal agencies shall determine the lead agency for the proposed action.

''(B) INVITATION.—The head of the lead agency may invite any relevant State, local, or Tribal agency with Federal authorization decision responsibility to be a cooperating agency.

''(3) RESPONSIBILITIES OF LEAD AGENCY.—The lead agency for a proposed action shall—

''(A) as soon as practicable and in consultation with the cooperating agencies, determine whether a proposed action requires the preparation of an environmental impact statement; and

''(B) if the head of the lead agency determines under subparagraph (A) that an environmental impact statement is necessary—

''(i) be responsible for coordinating the preparation of an environmental impact statement;

''(ii) provide cooperating agencies with an opportunity to review and contribute to the preparation of the environmental impact statement and environmental assessment, as applicable, of the proposed action, except that the cooperating agency shall limit comments to issues within the special expertise or jurisdiction of the cooperating agency; and

''(iii) subject to subsection (c), as soon as practicable and in consultation with the cooperating agencies, determine the range of alternatives to be considered for the proposed action.

''(4) ENVIRONMENTAL DOCUMENTS.—In carrying out the NEPA process for a proposed action, the lead agency shall prepare not more than 1 of each type of document described in paragraph (1) or (2) of subsection (d), as applicable—

''(A) in consultation with cooperating agencies; and

''(B) for all applicable Federal agencies.

''(5) PROHIBITIONS.—

''(A) IN GENERAL.—A cooperating agency may not evaluate an alternative to the proposed action that has not been determined to be within the range of alternatives considered under paragraph (3)(B)(iii).

''(B) OMISSION.—If a cooperating agency submits to the lead agency an evaluation of an alternative that does not meet the requirements of subsection (c), the lead agency shall omit the alternative from the environmental impact statement.

''(h) REPORTS.—

''(1) NEPA DATA.—

''(A) IN GENERAL.—The head of each Federal agency that carries out the NEPA process shall carry out a process to track, and annually submit to Congress a report containing, the information described in subparagraph (B).

''(B) INFORMATION DESCRIBED.—The information referred to in subparagraph (A) is, with respect to the Federal agency issuing the report under that subparagraph—

''(i) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

''(ii) the length of time the Federal agency took to issue the categorical exclusions described in clause (i);

''(iii) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a categorical exclusion is pending;

''(iv) the number of proposed actions for which an environmental assessment was issued during the reporting period;

''(v) the length of time the Federal agency took to complete each environmental assessment described in clause (iv);

''(vi) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted;

''(vii) the number of proposed actions for which an environmental impact statement was issued during the reporting period;

''(viii) the length of time the Federal agency took to complete each environmental impact statement described in clause (vii); and

''(ix) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

''(2) NEPA COSTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall jointly develop a methodology to assess the comprehensive costs of the NEPA process.

''(B) REQUIREMENTS.—The head of each Federal agency that carries out the NEPA process shall—

''(i) adopt the methodology developed under subparagraph (A); and

''(ii) use the methodology developed under subparagraph (A) to annually submit to Congress a report describing—

''(I) the comprehensive cost of the NEPA process for each proposed action that was carried out within the reporting period; and

''(II) for a proposed action for which the head of the Federal agency is still completing the NEPA process at the time the report is submitted—

''(aa) the amount of money expended to date to carry out the NEPA process for the proposed action; and

''(bb) an estimate of the remaining costs before the NEPA process for the proposed action is complete.''.

(3) LEGAL REFORMS.—Section 105 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (as amended by paragraph (2)) is amended by adding at the end the following:

''(i) JUDICIAL REVIEW.—

''(1) STANDING.—Notwithstanding any other provision of law, a plaintiff may only bring a claim arising under Federal law seeking judicial review of a portion of the NEPA process if the plaintiff pleads facts that allege that the plaintiff has personally suffered, or will likely personally suffer, a direct, tangible harm as a result of the portion of the NEPA process for which the plaintiff is seeking review.

''(2) STATUTE OF LIMITATIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B)(ii), a claim arising under Federal law seeking judicial review of any portion of the NEPA process shall be barred unless it is filed not later than the earlier of—

''(i) 150 days after the final agency action under the NEPA process has been taken; and

''(ii) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(B) NEW INFORMATION.—

''(i) CONSIDERATION.—A Federal agency shall consider for the purpose of a supplemental environmental impact statement new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under the regulations of the Federal agency.

''(ii) STATUTE OF LIMITATIONS BASED ON NEW INFORMATION.—If a supplemental environmental impact statement is required under the regulations of a Federal agency, a claim for judicial review of the supplemental environmental impact statement shall be barred unless it is filed not later than the earlier of—

''(I) 150 days after the publication of a notice in the Federal Register that the supplemental environmental impact statement is final; and

''(II) if applicable, an earlier date after which judicial review is barred that is specified in the Federal law pursuant to which the judicial review is allowed.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph creates a right to judicial review.

''(3) REMEDIES.—

''(A) PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a temporary restraining order or preliminary injunction against a Federal agency or project sponsor in a claim arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff is likely to succeed on the merits;

''(II) the plaintiff is likely to suffer irreparable harm in the absence of the temporary restraining order or preliminary injunction, as applicable;

''(III) the balance of equities is tipped in the favor of the plaintiff; and

''(IV) the temporary restraining order or preliminary injunction is in the public interest.

''(ii) ADDITIONAL REQUIREMENTS.—A court may not grant a motion described in clause (i) unless the court—

''(I) makes a finding of extraordinary circumstances that warrant the granting of the motion;

''(II) considers the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from granting the motion; and

''(III) notwithstanding any other provision of law, applies the requirements of Rule 65(c) of the Federal Rules of Civil Procedure.

''(B) PERMANENT INJUNCTIONS.—

''(i) IN GENERAL.—Subject to clause (ii), in a motion for a permanent injunction against a Federal agency or project sponsor a claim

arising under Federal law seeking judicial review of any portion of the NEPA process, the plaintiff shall establish by clear and convincing evidence that—

''(I) the plaintiff has suffered an irreparable injury;

''(II) remedies available at law, including monetary damages, are inadequate to compensate for the injury;

''(III) considering the balance of hardship between the plaintiff and defendant, a remedy in equity is warranted;

''(IV) the public interest is not disserved by a permanent injunction; and

''(V) if the error or omission of a Federal agency in a statement required under this title is the grounds for which the plaintiff is seeking judicial review, the error or omission is likely to result in specific, irreparable damage to the environment.

''(ii) ADDITIONAL SHOWING.—A court may not grant a motion described in clause (i) unless—

''(I) the court makes a finding that extraordinary circumstances exist that warrant the granting of the motion; and

''(II) the permanent injunction is—

''(aa) as narrowly tailored as possible to correct the injury; and

''(bb) the least intrusive means necessary to correct the injury.''.

(4) OTHER REFORMS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by inserting after section 105 (as amended by paragraph (3)) the following:

''SEC. 106. EPA REVIEW.

''(a) DEFINITION OF FEDERAL AGENCY.—In this section, the term 'Federal agency' includes a State that has assumed the responsibility of a Federal agency under—

''(1) section 107; or

''(2) section 327 of title 23, United States Code.

''(b) EPA COMMENTS.—The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator') may comment on a draft or final submission of an environmental impact statement from any Federal agency.

''(c) TECHNICAL ASSISTANCE.—The Administrator may, on request of a Federal agency preparing a draft or final environmental impact statement, provide technical assistance in the completion of that environmental impact statement.

''SEC. 107. PROJECT DELIVERY PROGRAMS.

''(a) DEFINITION OF AGENCY PROGRAM.—In this section, the term 'agency program' means a project delivery program established by a Federal agency under subsection (b)(1).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The head of each Federal agency, including the Secretary of Transportation, shall carry out a project delivery program.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the head of each Federal agency shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the head of each Federal agency may assign, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency.

''(B) EXCEPTION.—The head of a Federal agency shall not enter into a written agreement under subparagraph (A) if the head of the Federal agency determines that the State is not in compliance with the requirements described in subsection (c)(4).

''(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

''(i) the head of the Federal agency may assign to the State, and the State may assume, all or part of the responsibilities of the head of the Federal agency for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project;

''(ii) at the request of the State, the head of the Federal agency may also assign to the State, and the State may assume, the responsibilities of the head of the Federal agency under this title with respect to 1 or more projects within the State that are under the jurisdiction of the Federal agency; but

''(iii) the head of the Federal agency may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

''(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Federal agency.

''(E) FEDERAL RESPONSIBILITY.—Any responsibility of a Federal agency not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Federal agency.

''(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Federal agency for which the written agreement applies, under applicable law (including regulations) with respect to a project.

''(G) PRESERVATION OF FLEXIBILITY.—The head of the Federal agency may not require a State, as a condition of participation in the agency program of the Federal agency, to forego project delivery methods that are otherwise permissible for projects under applicable law.

''(H) LEGAL FEES.—A State assuming the responsibilities of a Federal agency under this section for a specific project may use funds awarded to the State for that project for attorneys' fees directly attributable to eligible activities associated with the project.

''(c) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—Except as provided in subsection (b)(2)(B), all States are eligible to participate in an agency program.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the head of each Federal agency shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the agency program, including, at a minimum—

''(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the agency program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the agency program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the agency program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in an agency program not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

''(4) SELECTION CRITERIA.—The head of a Federal agency may approve the application of a State under this section only if—

''(A) the regulatory requirements under paragraph (2) have been met;

''(B) the head of the Federal agency determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the head of the State agency having primary jurisdiction over the project enters into a written agreement with the head of the Federal agency as described in subsection (d).

''(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Federal agency that would have required the head of the Federal agency to consult with the head of another Federal agency, the head of the Federal agency shall solicit the views of the head of the other Federal agency before approving the application.

''(d) WRITTEN AGREEMENT.—A written agreement under subsection (b)(2)(A) shall—

''(1) be executed by the Governor or the top-ranking official in the State who is charged with responsibility for the project;

''(2) be in such form as the head of the Federal agency may prescribe;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the Federal agency described in subparagraphs (A) and (C) of subsection (b)(2);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Federal agency assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the head of the Federal agency any information the head of the Federal agency reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(e) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the head of a Federal agency had the head of the Federal agency taken the actions in question.

''(3) INTERVENTION.—The head of a Federal agency shall have the right to intervene in any action described in paragraph (1).

''(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (b)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the

head of the Federal agency, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

''(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the head of a Federal agency under any Federal law.

''(h) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the head of a Federal agency shall—

''(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the head of the Federal agency shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the head of the Federal agency, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

''(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the head of the Federal agency shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

''(j) REPORT TO CONGRESS.—The head of each Federal agency shall submit to Congress an annual report that describes the administration of the agency program.

''(k) TERMINATION.—

''(1) TERMINATION BY FEDERAL AGENCY.—The head of a Federal agency may terminate the participation of any State in the agency program of the Federal agency if—

''(A) the head of the Federal agency determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(B) the head of the Federal agency provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the head of the Federal agency determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the head of the Federal agency.

''(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the head of the applicable Federal agency a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the head of the Federal agency may provide.

''(l) CAPACITY BUILDING.—The head of a Federal agency, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the agency program of the Federal agency; and

''(2) to promote information sharing and collaboration among States that are participating in the agency program of the Federal agency.

''(m) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with this title and any comparable requirements under State law.''.

(5) PROHIBITION ON GUIDANCE.—No Federal agency, including the Council on Environmental Quality, may reissue the final guidance of the Council on Environmental Quality entitled ''Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews'' (81 Fed. Reg. 51866 (August 5, 2016)) or substantially similar guidance unless authorized by an Act of Congress.

(6) DEFINITIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) (as amended by paragraph (1)(A)) is amended by adding at the end the following:

''SEC. 109. DEFINITIONS.

''In this title:

''(1) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

''(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed statement required under section 102(2)(C).

''(3) NEPA PROCESS.—

''(A) IN GENERAL.—The term 'NEPA process' means the entirety of every process, analysis, or other measure, including an environmental impact statement, required to be carried out by a Federal agency under this title before the agency undertakes a proposed action.

''(B) PERIOD.—For purposes of subparagraph (A), the NEPA process—

''(i) begins on the date on which the head of a Federal agency receives an application for a proposed action from a project sponsor; and

''(ii) ends on the date on which the Federal agency issues, with respect to the proposed action—

''(I) a record of decision, including, if necessary, a revised record of decision;

''(II) a finding of no significant impact; or

''(III) a categorical exclusion under this title.

''(4) PROJECT SPONSOR.—The term 'project sponsor' means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a proposed action.''.

(7) CONFORMING AMENDMENTS.—

(A) POLICY REVIEW.—Section 309 of the Clean Air Act (42 U.S.C. 7609) is repealed.

(B) SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.—Section 327 of title 23, United States Code, is amended—

(i) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Subject to subsection (m), the Secretary''; and

(ii) by adding at the end the following:

''(m) SUNSET.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the authority provided by this section terminates on the date of enactment of this subsection.

''(2) EXISTING AGREEMENTS.—Subject to the requirements of this section, the Secretary may continue to enforce any agreement entered into under this section before the date of enactment of this subsection.''.

(b) ATTORNEY FEES IN ENVIRONMENTAL LITIGATION.—

(1) ADMINISTRATIVE PROCEDURE.—Section 504(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

(2) UNITED STATES AS PARTY.—Section 2412(d)(2) of title 28, United States Code, is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(J) 'special factor' does not include knowledge, expertise, or skill in environmental litigation.''.

SEC. 402. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCES.—Any reference in any law to a requirement under subchapter IV of chapter 31 of title 40, United States Code, shall be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—This section, and the amendment made by this section, shall take effect 30 days after the date of enactment of this Act but shall not affect any contract that is—

(1) in existence on the date that is 30 days after such date of enactment; or

(2) made pursuant to an invitation for bids outstanding on the date that is 30 days after such date of enactment.

SA 2256. Mr. LEE (for himself, Mr. JOHNSON, Ms. ERNST, Mr. CORNYN, Mr. CRUZ, Mr. INHOFE, and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.